

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 8**

GANLEY WESTSIDE IMPORTS, INC.¹

Employer

And

Case 08-RC-221794

**INTERNATIONAL ASSOCIATION OF
MACHINISTS AND AEROSPACE WORKERS,
AFL-CIO, LOCAL LODGE 1363**

Petitioner

DECISION AND DIRECTION OF ELECTION

Petitioner seeks to represent a unit of all full-time and regular part-time technicians employed by the Employer at its Hyundai Sale/Service building located at 25600 Lorain Road, North Olmsted, Ohio. The petitioned-for unit is comprised of approximately seven employees. The Employer maintains that the unit sought by the Petitioner is not appropriate and that the unit must also include all of the Employer's remaining technicians situated in other buildings throughout the Employer's Lorain Road, North Olmsted facility, including the Employer's Volkswagen Store/Service building, the Subaru Store/Service building, and the New Car Detail building. There are approximately 30 employees in the unit proposed by the Employer.

A hearing officer of the Board held a hearing in this matter and the parties orally argued their respective positions prior to the close of the hearing. As described below, based on the record and Board law, I find that the petitioned-for unit limited to the Employer's technicians at the Hyundai Sale/Service building is not appropriate. I find that the Employer rebutted the single-facility presumption and that the appropriate unit must include technicians performing work throughout the entire Ganley Westside Imports, Inc. campus, including technicians and express technicians assigned to the Hyundai Store/Service building, Subaru Store/Service building, Volkswagen Store/Service building, and the New Car Detail building.

¹ The Employer's name appears as amended at the hearing. The initial petition inaccurately identified the Employer as Westside Hyundai, rather than Ganley Westside Imports, Inc. The record noted that there is no separate Ganley Hyundai Corporation at this location.

I. EMPLOYER'S OPERATIONS

Ganley Westside Imports, Inc. (Employer) is an Ohio Corporation with an operation located in North Olmsted, Ohio. The Employer sells new and used vehicles, and services all brands of automobiles and trucks. New car sales include Hyundai, Subaru and Volkswagen brands, but used car sales include all brands.

The Employer's North Olmsted, Ohio operation includes various buildings, including a Hyundai/Store Service building (Hyundai building), a Volkswagen Store/Service building (Volkswagen building), a Subaru Store/Service building (Subaru building), the New Car Detail building (New Detail building), and the Used Car Detail building (Used Detail building). The Hyundai, Volkswagen, Subaru, and New Detail buildings sit contiguously within 500 feet of each other on the north side of Lorain Road in North Olmsted, Ohio. There are no fences or barriers separating the buildings from one another. The Used Detail building is located directly across the street on the south side of Lorain Road.²

While the Hyundai, Volkswagen, and Subaru buildings have separate addresses, the postal service delivers all of the Employer's mail to the Volkswagen facility, which is where the Employer's administrative offices are located. If somebody contacts the main telephone number for the Employer, it rings at the Hyundai, Volkswagen and Subaru buildings and calls can be transferred from one building to another. There is one P&L financial statement covering all buildings and all accounting functions for the entire campus are handled by the same office. At one time, the Hyundai, Volkswagen, and Subaru brands were all located in the same building, specifically the Hyundai building. However, the Employer added additional buildings to the campus due to manufacturer requirements and expansion of business.

The 30 technicians work out of the Hyundai, Volkswagen, Subaru, and the New Detail buildings. All 30 individuals are designated by payroll and human resources as service technicians. However, the less experienced technicians perform express maintenance work, which is light maintenance and repair, while the more experienced technicians perform more complex maintenance work.³ The Employer introduced two job descriptions reflecting the distinction between the two classifications.⁴ Currently, about 25 percent of the main technicians were promoted from the position of express technician.

² Used cars that the Employer is preparing to sell are cleaned in the Used Detail building.

³ For the sake of clarity during the hearing, the Employer referred to the technicians performing the more complex maintenance work as main technicians and the technicians performing the express maintenance work as express technicians. I will do the same throughout my decision.

⁴ While both Employer Exhibit C and D are titled "Service Technician", Exhibit C, a one page document corresponds to express technicians, while Employer Exhibit D, a two page document including the requirement of prior experience and/or training, corresponds to the main technician. According to the Employer, Exhibit D should be titled Service Technician 2.

There are seven main technicians assigned to the Hyundai building. However, due to space limitations, there are no express technicians assigned to the Hyundai building. The Subaru and Volkswagen buildings each have ten technicians, including both main and express technicians, assigned to work out of the buildings. Finally, there are three main technicians working out of the New Detail building.⁵

Bob Lisy is the General Manager and manages the entire North Olmsted operation. Director of Fixed Operations Jason Romanek reports to Lisy and oversees the Employer's processes, policies and directives of the service and parts departments, as well as the detail facilities. Shop Director Paul Mauer reports to Romanek and directly supervises all technicians, including main and express technicians. Mauer completes the performance reviews for all technicians, reviews their payroll, approves training requests, monitors attendance, and is responsible for all discipline. The offices of Lisy and Romanek are located in the Volkswagen building, whereas Mauer's office is located in the New Detail building.

According to Romanek, the vast majority of maintenance is considered express work, including oil changes, tire replacement and rotations, brake inspections, light brake work, and light recall work. He explained that express work involves jobs with a quicker turnaround time. Warranty issues or issues with elaborate computer work are examples of main technician work.

The record reflects that cars are shuttled between buildings for various reasons, including volume and availability of technicians. Thus, technicians service brands other than the brand situated in buildings they are assigned to work. As will be discussed in more detail below, the technicians share equipment throughout the Employer's campus.

II. BOARD LAW

The Board has long held that a petitioned-for single-facility unit is presumptively appropriate, unless it has been so effectively merged or is so functionally integrated that it has lost its separate identity. *Budget Rent a Car Systems, Inc.*, 337 NLRB 884, 885 (2002); *New Britain Transportation Co.*, 330 NLRB 397 (1999). The party opposing the single-facility unit has the heavy burden of rebutting its presumptive appropriateness. *J & L Plate, Inc.*, 310 NLRB 429 (1993). To determine whether the single-facility presumption has been rebutted, the Board examines: (1) central control over daily operations and labor relations, including the extent of local autonomy; (2) similarity of employee skills, functions, and working conditions; (3) functional integration; (4) the degree of employee interchange; (5) the distance between locations; and (6) bargaining history, if any exists. See, e.g., *Trane*, 339 NLRB 866 (2003); *J & L Plate, Inc.*; *Budget Rent a Car Systems, Inc.*

⁵ The Employer explained that the three technicians are assigned to the New Detail building due to space limitations in the Subaru building. The New Detail building is also used to clean vehicles that the Employer is preparing to sell to customers.

In *Jerry's Chevrolet, Cadillac, Inc.*, 344 NLRB 689 (2005), the Board found that the petitioned-for unit limited to service employees at the employer's Chevrolet/Cadillac dealership was inappropriate. The Board found that the employer rebutted the single-facility presumption and that the appropriate unit must include service employees employed at all four of the employer's dealerships. There, the Chevrolet/Cadillac, Buick/GMC, and Nissan facilities were contiguously located within 1000 feet of each other, and the Toyota dealership was located directly across the street. The Board recognized that the service employees worked in separate buildings under their respective service managers and there was little interchange. However, the Board found that those factors were overcome by the close proximity of the dealerships, the centralization of labor relations, the high functional integration of the dealerships, and the similarity of skills, pay, and job functions at all locations.

III. APPLICATION OF BOARD LAW TO CASE

In reaching the conclusion that the petitioned-for unit limited to the Employer's technicians at the Hyundai Sale/Service building is inappropriate, I rely on the following analysis and record evidence.

1. Central Control over Daily Operations and Labor Relations

The Board has made clear that "the existence of even substantial centralized control over some labor relations policies and procedures is not inconsistent with a conclusion that sufficient local autonomy exists to support a single local presumption." (citations omitted) *California Pacific Medical Center*, 357 NLRB 197 (2011). Thus, "centralization, by itself, is not sufficient to rebut the single-facility presumption where there is significant local autonomy over labor relations. Instead, the Board places emphasis on whether the employees perform their day-to-day work under the supervision of one who is involved in rating their performance and in affecting their job status and who is personally involved with the daily matters which make up their grievances and routine problems." (citations omitted) *Hilander Foods*, 348 NLRB 1200, 1203 (2006). Therefore, the primary focus of this factor is the control that facility-level management exerts over employees' day-to-day terms and conditions of employment.

Here, all main and express technicians, regardless of assigned building, report directly to Shop Director Paul Mauer who issues discipline, approves training, sets schedules, including lunch periods, approves vacation requests, and reviews the weekly time sheets of all technicians. Mauer completes evaluations for all technicians assigned to all of the buildings and the technicians receive merit increases based on those evaluations. If technicians from any of the buildings have issues concerning equipment, tools, and supplies, they contact Mauer. Union witness Carlos Junior Dias acknowledged that Mauer is responsible for ensuring that the technicians get their work done.⁶ Technicians log in to a computer to receive their job

⁶ While Dias initially suggested that Hyundai Customer Service Manager Keith Wendling was his supervisor, he acknowledged on cross-examination that Shop Director Paul Mauer was his boss. The record reflects that

assignments. The computers are located in the bay areas of all of the service buildings. The same Dealer Management Computer System tracks repairs on all vehicles.

Not only are the supervisory functions for all of the buildings centralized, the labor relations functions are also centralized. Controller Lori Joyce is responsible for all personnel and payroll-related functions for all employees working on the campus. The personnel records for all technicians, regardless of brand or assigned building, are kept at the Volkswagen building. All technicians are subject to evaluations annually on their anniversary date and the Employer uses the same performance review form for all technicians, regardless of their assigned building. All technicians working at the Employer's campus are eligible for the same benefits and subject to the same handbook, attendance and other policies. The Employer recently distributed the handbook to technicians at group meetings and technicians from the different buildings and brands attended the same meetings. During those same meetings, the Employer also showed training videos regarding harassment. All technicians, regardless of brand or assigned building, attend the same Employer-sponsored parties and picnics.

The Employer uses the same payroll system for all technicians. The payroll records do not designate technicians based on their assigned building. All technicians are paid on a weekly basis and are all afforded the same opportunity to direct deposit their paychecks. All express technicians, regardless of their assigned building, are paid hourly and start at the same wage rate. When main technicians are hired, Romanek, in consultation with Lisy, determines their starting pay, which varies depending on experience and the existing market. Main technicians are not paid differently based on the building or brand in which they are assigned.

In sum, the employees at each building are not subject to separate, meaningful supervision and the record reflects that the key decisions regarding the day-to-day functions of employees are centralized. The centralized control of daily operations and labor relations weighs heavily toward finding that the Employer has rebutted the single-facility presumption.

2. Similarity of Skills, Functions, and Working Conditions

The similarity or dissimilarity of work, qualifications, working conditions, wages and benefits among employees at all of the employer's facilities has some bearing on determining the appropriateness of the single-facility unit. See, e.g., *Dattco, Inc.*, 338 NLRB 49, 51 (2002)

Here, the un rebutted testimony of Romanek and Mauer demonstrates that, regardless of their assigned building, all technicians, whether express or main, are part of the service department. Moreover, regardless of their brand affiliation, all technicians have the same job title and directly report to the same manager, Mauer.

Wendling and the Customer Service Managers assigned to the Volkswagen and Subaru locations are responsible for addressing customer service situations and managing the Service Advisors.

All technicians, regardless of their brand, perform similar automotive services. While some tools may be specific to the brand, the technicians use the same types of equipment and tools.⁷ While main technicians perform more complex maintenance work, all of the technicians in all buildings, including both main and express, are skilled to check tires limits, rotate tires, and perform basic lube, oil and filter changes. In addition, the technicians receive similar training, albeit with respect to varying car lines. Technicians need brand-specific training for certain warranty work. Brand-specific training and certifications are provided while the technicians are working in the building for that particular brand. Therefore, certifications and brand-specific training are not required for technicians to be hired or placed in a particular building. Each participates in on-line and instructor-led training and receives certifications from individual brands sufficient to perform warranty work. Some of the technicians have certifications in multiple brands. The job description applicable to all main technicians does not set forth qualifications related to particular brands. The job description for express technicians does require prior automotive mechanical experience or automotive trade school.

All of the technicians working on the campus are eligible for the same insurance, vacation, and retirement benefits. They are assigned work by the same method, specifically through the computer system. They record their hours using the same computer system and are paid weekly. They all wear the same uniform and personal protective equipment. In terms of wages, there are three types of pay plans, including an hourly rate, a flat rate, which is paid based on the service provided, and a split hourly/flat rate. The pay plans apply the same regardless of building or brand. All express technicians at the Employer's facility are hourly and start at the same rate. Main technicians are paid either a flat rate or split hourly rate. However, the rates for main technicians are not determined based on the brand or building in which they are assigned. All technicians are eligible for the annual bonus program.

The main technicians in all buildings generally work from 8:00am to 5:00pm, Monday through Friday, and rotate working on Saturdays. The Saturday hours in the Subaru building are two hours longer than the Saturday hours in the Hyundai and Volkswagen buildings due to volume of work. The hours of service for the express technicians are the same in all of the buildings and most express technicians work from 7:30am to 4:30pm Monday through Friday, and also work Saturdays. All technicians, including main and express, are entitled to the same one-hour lunch period.

Based on the above, I find that the Employer's technicians share the same skills and have similar duties and working conditions. Thus, I find that this factor weighs in favor of finding that the Employer has rebutted the single-facility presumption.

⁷ In *Jerry's Chevrolet Cadillac, Inc.*, the Board found insignificant the fact that the technicians worked on separate car lines, noting that they performed identical functions.

3. Functional Integration

Evidence of functional integration is also relevant to the issue of whether a single-facility unit is appropriate. Functional integration refers to whether employees at two or more facilities are closely integrated with one another functionally notwithstanding their physical separation. *Budget Rent A Car Systems*, supra at 884. This functional integration involves employees at the various facilities participating equally and fully at various stages in the employer's operation, such that the employees constitute integral and indispensable parts of a single work process. *Id.* However, an important element of functional integration is that the employees from the various facilities have frequent contact with one another. *Id.*, at 885.

The Employer's business of selling and servicing new and used cars is facilitated by a centralized campus. As noted above, the administrative offices for the entire campus are centralized. The sales employees sell between brands and used car sales for the entire campus is located in the Hyundai building. As noted above, at one time, the Employer operated the three brands from one building.

Customers' vehicles are shifted amongst technicians located at various buildings. For example, given that the Hyundai building does not have express technicians, routine maintenance on Hyundai vehicles is performed by express technicians located in the Volkswagen building. In those instances, a customer with a Hyundai vehicle who wants express work performed will bring the vehicle to the Hyundai building. A porter then takes the car to the Volkswagen building where an express technician performs the work.⁸ After the service is completed, the express technician from the Volkswagen building returns the vehicle to the Hyundai building. Similarly, the record reflects that vehicles are serviced in one building by one technician and then moved to a technician in a different building for additional services. For example, if an express technician assigned to the Volkswagen building discovers that work needs to be performed by a main technician at the Hyundai building, such as elaborate computer work or a warranty issue, the express technician would move the vehicle to the Hyundai building and communicate with the main technician about what work needs to be performed. The record reflects that this happens on a daily basis at the Hyundai building and eight to ten times a day throughout the entire campus.

Used cars are serviced anywhere on the campus depending on which building needs the work. Used cars that need servicing are generally brought to the Hyundai building and then assigned to a service building based on volume or other considerations, such as availability and previous experience on that particular vehicle. If work is slow in one building, customer cars are shipped amongst various buildings to provide optimum service. The record reflects that technicians perform work on all brands, not just their assigned brand or the three brands represented at this facility. Romanek provided testimony that technicians, including main and express, have been cross-trained on various brands.

⁸ There is no contention by either party that porters should be included in the bargaining unit.

The evidence demonstrates that as a result of the integrated nature of the campus, the petitioned for technicians and the other technicians have regular contact. The buildings on the campus are in close, walkable proximity without fencing separating them. For example, all technicians utilize the sole alignment rack located in the New Detail building. In addition, there is no tire changer or balancer in the New Detail building. Therefore, technicians assigned to the New Detail building utilize any of the tire machines located at the Hyundai, Volkswagen, and Subaru buildings. Also, all technicians, including main and express, regularly use the sole car wash located in the Volkswagen building. Further, technicians often visit their non-assigned buildings to borrow tools, such as shop jacks, a gas caddy, or the sole brake lathe located at the Volkswagen facility. In addition, technicians may visit the New Detail building to drop off vehicles that need light detail work. Other contact exists due to common break and parking areas, and the smoking lounge. Romanek testified that technicians assigned to the Hyundai building visit the Volkswagen building on a daily basis.

The evidence of functional integration favors the Employer's position that a single-facility unit of technicians at the Hyundai building is not appropriate.

4. The Degree of Employee Interchange

The Board has identified employee interchange as another critical factor in deciding whether the single-facility presumption has been rebutted. *Mercy Sacramento Hospital*, 344 NLRB 790 (2005); *First Security Services Corp.*, 329 NLRB 235, 236 (1999). Employee contact is considered interchange where a portion of the work force of one facility is involved in the work of the other facilities through temporary transfer or assignment of work. However, a significant portion of the work force must be involved and the work force must be actually supervised by the local branch to which they are not normally assigned in order to meet the burden of proof on the party opposing the single-facility unit. *New Britain Transportation Co.*, 330 NLRB 397, 398 (1999).

In *New Britain Transportation*, the Board suggested that a party seeking to rely on this factor to rebut the single-facility presumption must present detailed evidence of interchange, in context, and show that a high percentage of employees regularly work in the jurisdiction of other facilities. For example, the Board found that interchange was established and significant where during a one-year period there were approximately 400 to 425 temporary employee interchanges among three terminals in a workforce of 87 and the temporary employees were directly supervised by the terminal manager from the terminal where the work was being performed. *Dayton Transport Corp.* 270 NLRB 1114 (1984). On the other hand, where the amount of interchange is uncertain both as to scope and frequency because it is unclear how the total amount of interchange compares to the total amount of work performed, the burden of proof is not met, including where a party fails to support a claim of interchange with either documentation or specific testimony providing context. *Cargill, Inc.*, 336 NLRB 1114 (2001); *Courier Dispatch Group*, 311 NLRB 728, 731 (1993). Also important in considering interchange is whether the temporary employee transfers are voluntary or required, the number of permanent

employee transfers, and whether the permanent employee transfers are voluntary. *New Britain Transportation*, supra.

The evidence with respect to temporary work assignment transfers is limited. This appears to be attributed to the Employer's practice of moving customers' vehicles amongst the buildings, rather than moving technicians between buildings. The Employer explained that vehicles are more easily transported than employees' bulky toolboxes, as some technicians have toolboxes that weigh hundreds of pounds. To illustrate, when technicians leave their employment, some use trailers to remove their toolboxes from the facility. Despite this fact, technician Joseph Mattina, who is normally assigned to the Hyundai building, regularly works at the Subaru building on Saturdays.

There is evidence that at least five technicians transferred from one brand or building to another. In those instances, the technicians voluntarily requested the transfers. These transfer requests were directed to Shop Manager Mauer. The technicians are not required to complete any special certification or training before transferring to a different building or brand.

I recognize that there is limited evidence of temporary work assignment transfers. However, this factor, standing alone, does not mandate a finding that a petitioned-for single-facility unit is appropriate in light of the overwhelming evidence of central control over daily operations and labor relations, similarity of skills, functions, and working conditions, functional integration, including contact between employees, and geographic proximity, discussed below. See *Jerry's Chevrolet, Cadillac, Inc.* (Board found that the Employer rebutted the single facility presumption despite little employee interchange)

5. Distance between Locations

The Hyundai, Volkswagen, Subaru, and New Detail buildings sit contiguously within 500 feet of each other. The buildings on the campus are in close, walkable proximity without fencing separating them. Thus, technicians and customers can walk from one building to another. The geographic proximity strongly supports a finding that the Employer has rebutted the single-facility presumption. See *Jerry's Chevrolet, Cadillac, Inc.* (Board found that the geography, which was very similar to the facts here, was a salient factor favoring the multi-facility unit)

6. Bargaining History

There is no evidence of any collective bargaining history for any of the employees employed by the Employer. The absence of bargaining history is a neutral factor in the analysis of whether a single-unit facility is appropriate. *Trane*, supra at 868, fn. 4. Thus, the fact that there is no bargaining history in this matter does not support nor does it negate the appropriateness of the unit sought by Petitioner.

In determining that the single-facility unit sought by Petitioner is not appropriate, I have carefully considered the record evidence and weighed the various factors that bear on the determination of whether a single-facility unit is appropriate. In particular, while there are limited temporary work assignment transfers, the Employer demonstrated that the Hyundai building has been so effectively merged and functionally integrated that it has lost its separate identity. In reaching my conclusion that the single-facility unit sought by Petitioner is not appropriate, I rely on the following factors: (1) extremely close geographic proximity between the facilities; (2) the overwhelming evidence of central control over daily operations and labor relations; (3) the similarity of skills, functions, and working conditions; and (4) the functional integration of the facilities, which leads to regular contact between employees.

Given that the Board has generally defined a single facility as being coextensive with a single building, I believe that the multi-facility test is the appropriate standard to be used in this case. However, I reach the same result applying the standard set forth in *PCC Structural Inc.*, 365 NLRB No. 160 (December 15, 2017). I find, applying the factors set forth in *PCC Structural Inc.*, that the Petitioner has failed to establish that the technicians assigned to the Hyundai building possess a community of interest sufficiently distinct from the technicians, including both main and express, located at other buildings on the North Olmsted campus to warrant a separate unit. These factors include whether the petitioned-for employees are: (1) organized by the Employer in a separate department; (2) have distinct skills and training; (3) have distinct job functions and perform distinct work, including inquiry into the amount and type of job overlap between classifications; (4) have frequent contact with other employees; (5) have distinct terms and conditions of employment; (6) are separately supervised; (7) are functionally integrated with the Employer's other employees; and (8) interchange with other employees.

First, the technicians assigned to the Hyundai building are not organized into a department separate from the Employer's other technicians. Instead, the record reflects that regardless of their assigned building, all technicians, whether express or main, are part of the service department and are designated in payroll and human resources as service technicians. Second, there is insufficient evidence that the technicians assigned to the Hyundai building have significantly distinct skills and training from the Employer's other technicians. As reflected above, all technicians, regardless of brand, receive similar training, albeit with varying car lines. The job description applicable to all main technicians does not set forth qualifications concerning particular brands. Nor does the job description for express technicians require prior automotive mechanical experience or automotive trade school.

Third, the technicians assigned to the Hyundai building cannot be distinguished from the remaining technicians based on job functions and duties. Here, it is undisputed that all technicians, regardless of their assigned building, perform similar services. While main technicians may be assigned more complex jobs, the express and main technicians use similar equipment and perform similar tasks. Fourth, as addressed earlier in my decision, there is regular contact between the petitioned-for technicians and the remaining technicians, including both express and main technicians. Technicians, including express and main, regularly visit

other buildings to use equipment and borrow tools. In addition, all technicians, regardless of their assigned building or main versus express designation, share break and parking areas. Moreover, in the Subaru and Volkswagen buildings, the main technicians and express technicians work in the same service area.

Fifth, there is no evidence that the petitioned-for unit has significantly distinct terms and conditions of employment from other the other technicians employed at the Employer's campus. As reflected above, all main and express technicians, regardless of assigned building, are eligible for the same benefits and subject to the same handbook, attendance, and other policies. In addition, all technicians employed at the Employer's campus are subject to the same performance review procedure. All express technicians, regardless of brand, start at the same wage rate and main technicians, regardless of brand, are subject to the same pay plans. In addition, the technicians employed throughout the campus, including both main and express, generally work the same hours.

Sixth, there is common supervision between the petitioned-for technicians and the other technicians employed throughout the campus. Here, all technicians on the campus, whether express or main, report directly to Shop Director Paul Mauer. Mauer issues discipline, approves training, sets schedules, including lunch periods, approves vacation requests, and reviews the weekly time sheets of all technicians. Mauer completes evaluations for all technicians assigned to all of the buildings and the technicians receive merit increases based on those evaluations.

Seventh, the petitioned-for unit of technicians is functionally integrated with the other main and express technicians. The record reflects that vehicles are shifted amongst technicians, including main and express, at the various buildings. As reflected above, this occurs regularly at the Hyundai as their express work is performed at the Volkswagen building. The record further reflects that technicians perform work on all brands, not just their assigned brand and that used cars are serviced in any building on the campus. In fact, the testimony established that at one time, the Employer operated all brands out of one building.

Finally, while there is limited evidence of temporary work assignment transfers, there is evidence that technicians have moved from one building to another and have been promoted from express technician to main technician. Currently, about 25 percent of the main technicians were promoted from the position of express technician.

Thus, I find that the petitioner has failed to establish that the technicians assigned to the Hyundai building possess a community of interest sufficiently distinct from technicians, including both main and express, located at other buildings on the North Olmsted campus to warrant a separate unit. Rather, I find a broader unit, including all the Employer's express and main technicians, constitutes the appropriate unit.

IV. CONCLUSION

1. The Hearing Officer's ruling made at the hearing are free from prejudicial error and are hereby affirmed.

2. The parties stipulated and I find that the Employer is engaged in commerce within the meaning of Section 2(6) of the Act, and it will effectuate the purposes of the Act to assert jurisdiction.

3. The parties stipulated and I find that the Petitioner is a labor organization within the meaning of Section 2(5) of the Act and claims to represent certain employees of the Employer

4. The parties stipulated and I find that there is no collective-bargaining agreement covering any of the employees in the petitioned-for unit and there is no contract bar, or any other bar, to this proceeding.

5. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.

6. The following employees of the Employer constitute an appropriate unit (the Unit) for the purpose of collective bargaining within the meaning of Section 9(b) of the Act:

Included: All full-time and regular part-time technicians and express technicians assigned to the Hyundai Store/Service building, Subaru Store/Service building, Volkswagen Store/Service building and the New Car Detail building at the Employer's North Olmsted, Ohio facility.

Excluded: All service writers, office clericals, professional and managerial employees, guards and supervisors as defined in the Act.

During the hearing, when the Petitioner was asked if it wished to proceed to an election if the Regional Director ordered an election in a unit different than the petitioned-for-unit, the Petitioner indicated that it wished to proceed to an election in any unit found appropriate. Thus, I will direct an election below, conditioned upon an adequate showing of interest, in the above described Unit, which includes approximately 30 employees. The Petitioner must provide the Regional office an adequate showing of interest in the Unit found appropriate by close of business on **Tuesday, August 21, 2018.**

DIRECTION OF ELECTION

If an adequate showing of interest is provided by the Petitioner, the National Labor Relations Board will conduct a secret ballot election among the employees in the unit found appropriate above. Employees will vote whether or not they wish to be represented for purposes of collective bargaining by International Association of Machinists and Aerospace Workers, AFL-CIO, Local Lodge 1363.

A. Election Details

If an adequate showing of interest is provided by the Petitioner, the election will be held on Thursday, August 30, 2018 from 3:30 p.m. to 5:00p.m. in the Breakroom in the Hyundai building located at 25600 Lorain Road, North Olmsted, Ohio.

B. Voting Eligibility

Eligible to vote are those in the unit who were employed during the payroll period ending **August 12, 2018**, including employees who did not work during that period because they were ill, on vacation, or temporarily laid off.

Employees engaged in an economic strike, who have retained their status as strikers and who have not been permanently replaced, are also eligible to vote. In addition, in an economic strike that commenced less than 12 months before the election date, employees engaged in such strike who have retained their status as strikers but who have been permanently replaced, as well as their replacements, are eligible to vote. Unit employees in the military services of the United States may vote if they appear in person at the polls.

Ineligible to vote are (1) employees who have quit or been discharged for cause since the designated payroll period; (2) striking employees who have been discharged for cause since the strike began and who have not been rehired or reinstated before the election date; and (3) employees who are engaged in an economic strike that began more than 12 months before the election date and who have been permanently replaced.

C. Voter List

Conditioned upon receipt of an adequate showing of interest by Petitioner, and as required by Section 102.67(l) of the Board's Rules and Regulations, the Employer must provide the Regional Director and parties named in this decision a list of the full names, work locations, shifts, job classifications, and contact information (including home addresses, available personal email addresses, and available home and personal cell telephone numbers) of all eligible voters.

If an adequate showing of interest is provided, to be timely filed and served, the list must be *received* by the regional director and the parties within two business days of the Region's

notification to the Employer that the Petitioner has satisfied the showing of interest requirement. The list must be accompanied by a certificate of service showing service on all parties. **The region will no longer serve the voter list.**

Unless the Employer certifies that it does not possess the capacity to produce the list in the required form, the list must be provided in a table in a Microsoft Word file (.doc or docx) or a file that is compatible with Microsoft Word (.doc or docx). The first column of the list must begin with each employee's last name and the list must be alphabetized (overall or by department) by last name. Because the list will be used during the election, the font size of the list must be the equivalent of Times New Roman 10 or larger. That font does not need to be used but the font must be that size or larger. A sample, optional form for the list is provided on the NLRB website at www.nlr.gov/what-we-do/conduct-elections/representation-case-rules-effective-april-14-2015.

When feasible, the list shall be filed electronically with the Region and served electronically on the other parties named in this decision. The list may be electronically filed with the Region by using the E-filing system on the Agency's website at www.nlr.gov. Once the website is accessed, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions.

Failure to comply with the above requirements will be grounds for setting aside the election whenever proper and timely objections are filed. However, the Employer may not object to the failure to file or serve the list within the specified time or in the proper format if it is responsible for the failure.

No party shall use the voter list for purposes other than the representation proceeding, Board proceedings arising from it, and related matters.

D. Posting of Notices of Election

Pursuant to Section 102.67(k) of the Board's Rules, the Employer must post copies of the Notice of Election, to be issued by the Region if the Petitioner satisfies the showing of interest requirement, in conspicuous places, including all places where notices to employees in the unit found appropriate are customarily posted. The Notice must be posted so all pages of the Notice are simultaneously visible. In addition, if the Employer customarily communicates electronically with some or all of the employees in the unit found appropriate, the Employer must also distribute the Notice of Election electronically to those employees. The Employer must post copies of the Notice at least 3 full working days prior to 12:01 a.m. of the day of the election and copies must remain posted until the end of the election. For purposes of posting, working day means an entire 24-hour period excluding Saturdays, Sundays, and holidays. However, a party shall be estopped from objecting to the nonposting of notices if it is responsible for the nonposting, and likewise shall be estopped from objecting to the nondistribution of notices if it is responsible for the nondistribution.

Failure to follow the posting requirements set forth above will be grounds for setting aside the election if proper and timely objections are filed.

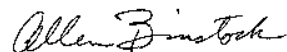
RIGHT TO REQUEST REVIEW

Pursuant to Section 102.67 of the Board's Rules and Regulations, a request for review may be filed with the Board at any time following the issuance of this Decision until 14 days after a final disposition of the proceeding by the Regional Director. Accordingly, a party is not precluded from filing a request for review of this decision after the election on the grounds that it did not file a request for review of this Decision prior to the election. The request for review must conform to the requirements of Section 102.67 of the Board's Rules and Regulations.

A request for review may be E-Filed through the Agency's website but may not be filed by facsimile. To E-File the request for review, go to www.nlr.gov, select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. If not E-Filed, the request for review should be addressed to the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001. A party filing a request for review must serve a copy of the request on the other parties and file a copy with the Regional Director. A certificate of service must be filed with the Board together with the request for review.

Neither the filing of a request for review nor the Board's granting a request for review will stay the election in this matter unless specifically ordered by the Board.

Dated: August 17, 2018



ALLEN BINSTOCK
REGIONAL DIRECTOR
NATIONAL LABOR RELATIONS BOARD
REGION 08
1240 E 9TH ST
STE 1695
CLEVELAND, OH 44199-2086